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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 JOSEPH FANGSRUD VON ESCH,

9 Plaintiff,

v.

10 LEGACY SALMON CREEK
11 HOSPITAL, et al.,

12 Defendants.

CASE NO. C16-5842BHS

ORDER

13 This matter comes before the Court on Defendant Asset Systems' Motion to
14 Remove Stay and Decide Asset's Motion for Attorneys' Fees and Costs. [Dkt. # 156].
15 The Court directed a verdict in Asset's favor during trial. Asset moved for more than
16 \$100,000 in fees and \$13,000 in costs, arguing Plaintiff Fangsrud von Esch's position and
17 tactics were unreasonable and abusive. [Dkt. #s 135 and 137]. Fangsrud von Esch
18 appealed the Court's directed verdict. [Dkt. # 138]. The Court stayed Asset's motion for
19 fees pending the appeal. [Dkt. # 150].

20 The Ninth Circuit affirmed [Dkt. # 153], and Asset now asks the Court to lift the
21 stay and consider its motion for fees and costs. Fangsrud von Esch does not oppose lifting
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1 the stay and considering the motion, but seeks leave to amend her initial response to add
2 “facts and realities” brought to light during the appeal. Asset opposes such supplemental
3 briefing, repeating that the request is “tardy” and that it should be stricken as improper. It
4 argues that the Ninth Circuit proceedings are irrelevant.

5 The Motion to Lift the Stay [Dkt. # 156] is **GRANTED**. Fangsrud von Esch may
6 file a short—ten pages or less—supplement to her opposition to Assets’ pending motion
7 for attorneys’ fees and costs [Dkt. # 135] by January 13, 2021. Asset may file a reply of
8 similar length by January 20. The Motion for fees is **RE-NOTED** for January 20, 2021.

9 **IT IS SO ORDERED.**

10 Dated this 5th day of January, 2021.

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14 BENJAMIN H. SETTLE
United States District Judge
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